

"FIG. 7". The Applicant has further changed an incorrect reference to "FIG. 8" in the same paragraph to "FIG. 7". Finally, the Applicant has changed the term "bearing portions 80b" to "bearing portions 80c" to be consistent with the drawing.

Turning now to the objections to the drawing, the Applicant has amended the drawing to contain FIGS. 8B and 9B depicting an enlarged detail of FIGS. 8 and 9 that illustrates features of the invention as described on page 15, lines 7-12 and on page 17, lines 22-27. In particular, the cited passages on pages 15 and 17 describe that the return portions (380e,480e) engage the rear face (62,162) of the panel (32,132) to prevent the tension rods (380,480) from straightening and pulling out from behind the locking pin (42,142). The Applicant has used broken lines in FIGS. 8B and 9B to illustrate the position of the return portions when they engage the rear face under loads as described on pages 15 and 17.

For consistency, pages 15 and 17 of the specification have further been amended to refer to FIGS. 8B and 9B and also to refer to the process of backfilling the earthen wall (42,144) as described in the Background of the Invention section and on page 4, lines 20-30, and on page 8, lines 9-19. As generally described above, the Applicant has also amended the Brief Description of the Drawing section to refer to the FIGS. 8B and 9B.

In addition, as the Examiner noted in the August 26 Office Action, the Applicant depicted a gap in FIGS. 8 and 9 and described these gaps using reference characters 390 and 490, but the reference character 390 (as well as the reference character 490) was inadvertently omitted from these figures. Because FIGS. 8B and 9B illustrate this gap more clearly, reference characters 390 and 490 are included in FIGS. 8B and 9B, respectively, to identify the gap as depicted and described in the specification and drawing as originally submitted.

The Applicant submits with this Amendment proposed replacement drawing sheets 1-5 to be submitted in place of the drawing sheets 1-4 originally submitted with the application. Replacement drawing sheets 1 and 2 are the same as drawing sheets 1 and 2 as originally submitted except that the replacement sheets are respectively identified as 1/5 and 2/5 instead of 1/4 and 2/4. Replacement drawing sheets 3 and 4 are similar to drawing sheets 3 and 4 as originally submitted except that the replacement sheets have been formalized and are identified as 3/5 and 4/5 instead of

3/4 and 4/4, respectively. Replacement drawing sheet 5 contains new drawing FIGS. 8B and 9B as described above.

The Applicant respectfully submits that the amendments to the specification and drawing described above render moot the objections thereto described in the August 26 Office Action.

Turning now to the rejections under 35 USC § 112, second paragraph, the Examiner noted several inconsistencies in the claim language. The Examiner's careful review of the claim language is gratefully appreciated. In response, the Applicant has amended claims 2-4, 6, 7, 9, and 10. Claims 5 and 8 have been made redundant by amendments to claim 1 and have been cancelled.

An amendment to claim 1 clarifies that the term "first portion" used in line 23 should be have referred to the "second portion" as that term was defined earlier in the claim. Amendments to claim 2-4, 6, 7, 9, and 10 clarify use of the terms "first" and "second" when referring to the angles described therein to be consistent with amendments to claim 1. The amendments to claim 6, 7, 9, and 10 further clarify the values of the angles recited therein in a manner that generally corresponds to the descriptions of these angles on page 14, lines 13-23, and on pages 16, line 28, through 17, line 8. The Applicant respectfully submits that amendments to claim 5-10 render moot the rejections under 35 USC § 112, and withdrawal of these rejections is respectfully requested.

Turning now to the substantive rejections under 35 USC §§ 102(b) and 103(a), the Applicant has amended claims 1 and 11 to overcome the rejections thereto.

Referring initially to the rejection of claim 1 based on U.S. Patent Nos. 5,044,833 to Wilfiker (sic), 5,749,680 to Hilfiker, and 6,186,703 to Shaw and Japanese Document 2-261122, the Applicant respectfully submits that these references do not disclose, teach, or suggest the embodiment of the present invention recited in amended claim 1.

As amended, claim 1 clarifies that ends of tension members are bent to form a bearing portion and then again to form a return portion. Claim 1 further specifies that, so bent, the return portion extends an angle of between approximately 160° to 210° relative to a bearing axis defined by the bearing portion. Amended claim 1 further clarifies that a gap is formed between the rear face of the wall panel and the lock member and that a structure formed by the bearing and return portions is such that the

gap is too small to allow the bearing portion and return portion to pass through the gap. In use, the bearing portion engages the lock member, and the return portion (FIGS. 8 and 8A) or the bearing portion (FIGS. 9 and 9A) engages the rear face of the wall panel. Relative movement between the anchor mesh panel and the wall panel is substantially eliminated by this connection. Claims 2-10 describe various relative angles relating to the structure defined by the bearing and return portions that prevent the bearing portion from being withdrawn from the gap.

The Applicant respectfully submits that none of the cited references, taken alone or in combination, disclose, teach, or suggest the angular relationship and function of the bearing portion and return portion as recited in claim 1.

None of the structures disclosed in the Wilfiker (sic), Japanese, or Shaw references discloses, teaches, or suggests a bearing portion or return portion that engages a rear face of the wall panel. In addition, these references do not disclose a distinct "bearing portion" and "return portion" as recited in the claims. In any event none of these references discloses, teaches, or suggest that the tension members be bent to form a return portion that extends at an angle with respect to a bearing axis of a bearing portion as recited in claim 1. The connections formed by the structures disclosed in the Wilfiker (sic), Japanese, and Shaw patents thus do not appear to function in the same manner as that of the invention recited in claim 1.

The Hilfiker '680 reference discloses a "return portion" that extends at an angle of approximately 120° relative to a "bearing portion", which is clearly well outside the claimed range of approximately 160° to 210°. In addition, the structure depicted in FIGS. 12-14 does not rely on the structure formed by the bearing portion and return portion to inhibit relative movement of the anchor mesh panel and the wall panel. Instead, a bar (FIG. 14) or angle iron (FIGS. 12 and 13) is disposed between the bearing portions and the locking rod 344. The unlabeled "return portion" depicted in FIGS. 12-14 of the Hilfiker '680 reference is not described in any detail but does not appear to function in the same manner as the return portion recited in claim 1.

Given the foregoing, the Applicant respectfully submits that claim 1 as amended is not anticipated by the cited references and requests withdrawal of the rejections based on the Wilfiker (sic), Japanese, Shaw, and Hilfiker '680 patents under 35 USC §

102(b). Claims 2-4, 6, 7, 9, and 10 further define claim 1 and should be allowable for at least the same reasons set forth above with reference to claim 1.

Referring now to the rejection of claims 11-14 under 35 USC § 102(b) based on the Wilfiker (sic), Japanese, and Shaw patents, the Applicant respectfully submits that amendments to claim 11 render moot these rejections. In particular, claim 11 has been amended to specify that the bearing portion recited therein is both substantially straight along its entire length and extends at an angle of at least 72° to less than 90° relative to the anchor axis defined by the at least one tension member.

The Applicant respectfully submits that none of the cited references disclose, teach, or suggest a bearing portion of a tension member as recited in amended claim 11. In particular, the cited references all teach bending the ends of the tension rods to form somewhat serpentine curves and do not define a substantially straight bearing portion as recited in amended claim 11. The cited references thus clearly do not anticipate the invention as recited in amended claim 11, and withdrawal of the rejection under 35 USC § 102(b) is respectfully requested.

Turning now to rejection of claim 11 under 35 USC § 103(a) based on the combination of Hilfiker '680 in view of Reay, the Applicant respectfully submits that this combination does not disclose, teach, or suggest the invention recited in claim 1. Initially, the Applicant respectfully asserts that the Hilfiker '680 and Reay patents are not properly combinable as suggested by the Examiner. In particular, the Examiner has not cited any specific teaching in the Hilfiker '680 or Reay references that would motivate one of ordinary skill in the art to make this combination. The Applicant respectfully submits that the proffered reason of "to reduce the chances of the mesh panel from becoming disengaged with the wall panel" is so general that it could not possibly support the specific combination cited by the Examiner.

Even if this combination were made as suggested by the Examiner, the Applicant respectfully submits that the cited combination does not disclose, teach, or suggest the embodiment of invention as recited in claim 11. The language of claim 11 as originally presented does not simply define the angle of the bearing portion as "less than 90 degrees" but defines a range "of at least 72° to less than 90°"; the Applicant respectfully submits that the angled member depicted in FIG. 6 of the Reay patent discloses an angle of less than 50°, which clearly does not fall within the claimed range.

Given the foregoing, the Applicant respectfully submits that cited combination is not proper and/or claim 11 is distinguishable over that combination and requests withdrawal of the rejection to claim 11 based on 35 USC § 103(a). Claims 12-14 further define claim 11 and should also be in condition for allowance. Newly presented claims 15-17 also further define claim 11 and should be in condition for allowance.

Attached hereto is a document entitled Exhibit A - Listing of All Claims and Amendments (09-15-2004) containing a listing of the claims as currently presented. The Listing contains the text of each pending claim, along with any amendments made hereby (illustrated using strikethrough and underlining) and the status of each pending claim.

Given the foregoing, the Applicant respectfully submits that currently pending claims 1-4, 6, 7, and 9-17 are in condition for allowance, and such allowance is respectfully requested. If there is any matter which could be expedited by consultation with the Applicant's attorney, such would be welcome. The Applicant's attorney can normally be reached at the telephone number below.

Submitted for purposes of discussion only this 16th day of September, 2004.

Respectfully submitted,

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CERTIFICATE OF MAILING
37 C.F.R. §1.8

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Signature: Michael R. Schacht

Print Name: Michael R. Schacht

Date: November 26, 2004